

From: Internet Webmaster <webmaster@co.slo.ca.us>
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Subject: Planning Commission Contact Form (response #422)

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Survey Information

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Survey Response

Name	Elizabeth Demsetz
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Question or Comment	<p>Dear Commissioner Irving, Thanks for reading this letter. I know you have spent a massive amount of time considering the Phillips 66 proposal and that you have a perspective on the issue that is far broader and deeper than mine. As a planning commissioner, I'm sure that you understand that, despite the common American misconception of land ownership as an unlimited and inalienable right to 'do anything' with the land, ownership is and has always been a social contract between the owner and society. This social contract grants the land-owner certain privileges, but demands that he or she take on certain responsibilities so that the owner does not infringe upon the rights of others. I believe that the root issue in the Phillips 66 controversy is that the federal regulatory system, by its very nature, is not capable of adequately protecting people from the danger of trains carrying over 2 million gallons of crude. The regulatory system is</p>

set up in such a way that, despite the hard work and good intentions of the regulators, the regulations can only 'play catch-up' with the oil industry. Weaknesses in regulations are mainly revealed by accidents, and even though the regulations have been improved somewhat from what they were before the spate of crude rail accidents started, they are still an evolving process with long implementation timetables and undoubtedly still suffering from weaknesses that have yet to be revealed. I'm sure it is tremendously hard to set up a regulatory system that can anticipate new technology without being overly restrictive, so I don't mean to criticize the system we have. I just want to point out that given the nature of this system, it becomes the responsibility of other segments of government at all levels to exercise great care in decision-making. The social contract that defines the privileges and responsibilities of land 'ownership' must take into account the parameters of the society in which it is operating, including the imperfect regulatory system governing the transport of crude. The responsibility to interpret the specific nature of society's land ownership contract with Phillips 66 has fallen to the Planning Commissioners. I believe that a decision to deny the proposal is not an infringement of Phillips 66's property rights, but is actually an essential step in defining the privileges and responsibilities that those property rights entail within the societal context in which they will be operating. Thanks so much for your time in reading this. I am sorry to be so long-winded and I don't mean to be condescending. I appreciate all the time you have spent on this issue. Sincerely, Lizza Demsetz